

## **REMARKS**

### **A. Status of the Claims**

Claims 1-46 were pending at the time of the Office Action. Claims 8-11, 15-19, 21, and 43-46 are canceled without prejudice or disclaimer. Applicants expressly reserve the right to pursue the subject matter of the canceled claims in a divisional application. Claims 1-6, 12-14, 20, 22-25, 29, 32, and 37-40 are amended. New claims 47-67 are added. Support for the amendments can be found in the claims and specification as originally filed and at least on page 9, line 22 through page 10, line 34 of the specification. No new matter is added by these amendments. Claims 1-7, 12-14, 20, 22-42 and 47-67 are currently under examination.

### **B. Response to the Restriction Requirement**

Claims 1- 46 were pending at the time of the Office Action. Claims 43-46 have been withdrawn by the Examiner as to a non-elected invention. Accordingly, claims 43-46 have been cancelled without prejudice or disclaimer as drawn to a non-elected invention. Applicants reserve the right to pursue the subject matter of the canceled claims in a divisional application.

### **C. Response to the Election of Species Requirement**

The Action further imposes an election of species requirement. However, Applicants cannot readily discern from the text of the Action all the species to which the Action refers. At the bottom of page 2 of the Action is written "The species are as follows:". The first following text at the top of page 3 of the Action recites solely:

"1) species of dermatological disorder; e.g., gangrene or sores or wrinkles."

No further listing of species (*i.e.* the expected “2” or second or further species) is provided. Applicants are therefore uncertain of the scope of the species considered and which species beyond dermatological disorder are available for election.

The Action further discusses the claims deemed to correspond to the species listed, and, *inter alia*, asks that a further election of species be made: “If Applicant [sic] elects ‘wound’ Applicant is subsequently asked to elect a specific species of wound as recited in claim 18.” Applicants understand from this discussion that, although omitted from the initial species list, a method of treatment of a wound was intended as one of the species listed for election, above. Applicants further understand that, should a method of treatment of a wound be elected as a species, a further election of a species of wound under treatment is required by the Action. Finally, the Action asserts that no claims are generic.

In order to further prosecution and in order to be fully responsive to the Action, Applicants elect to prosecute claims to treatment of wounds. Claims to species not within the genus of methods of treatment of wounds have been canceled or withdrawn without prejudice or disclaimer.

However, Applicants respectfully traverse the assertion that no claims are generic. As understood by those of skill in the art, a wound in the context of the present invention includes a breaking or breach of the skin or mucous membrane. Therefore, methods of treatment of all species of wounds involving such a break of the skin or mucous membrane are encompassed by the scope of claim 12. Applicants therefore respectfully submit that claim 12 is generic to methods of treatment of injuries or conditions linked by the presence of a break of skin or mucous membrane. We further and respectfully submit that all members of the genus are so

closely related that a search and examination of the entire scope of the claim can be made without serious burden and so no provisional election of species is required.

As understood by those of skill in the art, a sore is as an ulceration of tissue, with tissues ruptured or abraded and usually with infection. As further understood by those of skill in the art, an ulcer is a break in skin or mucous membrane with loss of surface tissue, disintegration and necrosis of epithelial tissue, and often pus. We note that these two species of wound recited by claim 13 are also few in number and closely related, though clearly not exclusive of all members of the genus "wound" encompassed by the generic claim 12. Nevertheless, mindful of the apparently incomplete comments of the Action, the Applicant desires to progress examination. Applicants therefore also provisionally elect the treatment of a sore as a species within the generic claim to treatments of wounds, should such an election be required.

Claims 12-14 read upon the provisionally elected species of sore. Applicants reserve the right to rejoin subject matter within the scope of the generic claims, should the provisionally elected species be found allowable.

### **III. CONCLUSION**

The Examiner is invited to call the undersigned should the examiner have any questions regarding this response.

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Respectfully submitted,

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